

2011 Montana Legislature
Testimony in Opposition to HB 537: 3/10/2011
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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO NONRESIDENT HUNTING LICENSES; AUTHORIZING THE SALE OF OUTFITTER-SPONSORED LICENSES; REVISING FEES FOR CERTAIN NONRESIDENT HUNTING LICENSES AND REVISING THE DISPOSITION OF THOSE FEES; AMENDING SECTIONS 87-1-242, 87-1-266, 87-1-601, 87-2-202, 87-2-505, 87-2-510, 87-2-511, AND 87-2-512, MCA; REPEALING SECTION 87-1-290, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

I respectfully urge a NO vote on HB 537, an Act that intends to overturn the citizen initiative that ended the privileged allocation of hunting opportunity to clients of outfitters. Wildlife in America is a public resource to be managed by the states as a public trust and allocating those resources in an undemocratic fashion is inappropriate.

The opportunity we have to be hunters, has its root in the American Declaration of Independence. Sixty-six years after that brave declaration, in an 1842 dispute over oysters in the New Jersey Meadowlands the U.S. Supreme Court ruled:

*"When the revolution took place, the people of each state became themselves sovereign; and the prerogatives ... which before belonged ... to the crown... , became immediately and rightfully vested in the state."*¹ In other words, the old reality of the king's deer started on the legal journey of becoming the people's game.

The issue became more specific in a later wildlife case, where the U.S. Supreme Court held that this power held by the states:

*"... is to be exercised, ... , as a trust for the benefit of all people, and not ... for the benefit of private individuals as distinguished from the public."*²

The opportunity for an individual to be a hunter sprouted in the *American Declaration of Independence* and was delivered to our generation, defined as a public trust. The document that declared all men to be free and equal, also declared that we would share the fish and wildlife of the American commons.

Wildlife management in North America went through some tough times between our Declaration of Independence and today. First, the commercial interests had their way with wildlife. In 1885 Theodore Roosevelt, ranching in North Dakota, wrote of a rancher who made a journey of 1,000 miles across northern Montana. Then TR wrote, "... to use the ranchman's own words, I was never out of sight of a dead buffalo and never in sight of a live one." That level of decimation visited all species of wildlife that had commercial value. Montana was little more than a wildlife bone-yard.

¹ 41 U.S. 367 (1842).

² 161 U.S. 519 (1896).

American hunters then introduced our nation to the sporting code and the concept of conservation. One of the key components of the North American Model of Wildlife Conservation is that we all conserved and then we all shared the opportunity to hunt -- equally.

Today, 126 years later we Montanans deal with: deer in our cities, bears in our orchards and goose poop on every golf shoe in the state -- it was not an accident. American wildlife restoration has been described as one of the greatest environmental achievements in human history.

It is no surprise that commercial interests have returned, but they should not be subsidized with privileged access to the people's game animals. Montanans do not want or need the European or Texas model of wildlife management. In England, where wildlife attached to privilege and property, the aurochs, boar, bear, wolf, beaver and reindeer went extinct. To this day the residual hunting there is vilified as a remnant of the hated aristocracy. One Brit (Oscar Wilde) described fox hunting as "*The unspeakable in pursuit of the inedible*."

House Bill 537 seeks to create a new world aristocracy of the hunt, and corrupts one of the key principles of the greatest wildlife restoration effort in human history, the North American Model of Wildlife Conservation. It is important to preserve the democracy of the wild. Please vote NO on HB 537.

THE SEVEN PRINCIPLES IN
THE NORTH AMERICAN MODEL
From Pruckop and Regan 2002³

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| 1 | - | WILDLIFE AS A PUBLIC TRUST RESOURCE |
| 2 | - | ELIMINATION OF MARKETS FOR WILDLIFE |
| 3 | - | ALLOCATION OF WILDLIFE BY LAW |
| 4 | - | WILDLIFE CAN ONLY BE KILLED FOR A LEGITIMATE PURPOSE |
| 5 | - | WILDLIFE AE CONSIDERED AN INTERNATIONAL RESOURCE |
| 6 | - | SCIENCE AS THE PROPER TOOL FOR DISCHARGE OF WILDLIFE POLICY |
| 7 | - | DEMOCRACY OF HUNTING |
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Public Trust in Wildlife Conservation Reference:

Susan Horner, Embryo Not Fossil: Breathing Life Into the Public Trust in Wildlife, University of Wyoming Land & Water Review, Vol. XXXV No. 1 Laramie, WY 2000.

³ International Association of Fish and Wildlife Agencies, Wildlife Resources Policy Committee White Paper, prepared by Joanna Pruckop, New Mexico Department of Game and Fish/IAFWA and Ron Regan, Vermont Department of Fish and Wildlife; The Value of the North American Model of Fish and Wildlife Conservation: Approved and the IAFWA Business Meeting -- Big Sky, Montana, September 21, 2002.